

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 23-03007-01-CR-S-BCW
	)	
JOSHUA T. PAYNE,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is the Motion to Dismiss Indictment filed by Defendant personally. (Doc. 29.) The undersigned notes that Defendant also filed a Motion for Leave to Proceed *Pro Se*, which is still pending and has not yet been resolved. (Doc. 25.) Thus, at this time, Defendant remains represented by an attorney, and the Court “is not required to entertain *pro se* motions filed by a represented party.” *United States v. Tollefson*, 853 F.3d 481, 485 (8th Cir. 2017) (cleaned up). This prohibition was set forth in the February 7, 2023 Scheduling and Trial Order, which states that *pro se* filings will not be accepted from defendants who are represented by counsel. (Doc. 13 ¶ VI(A).)

Accordingly, the *pro se* Motion to Dismiss Indictment is **DENIED** without prejudice. Unless and until Defendant is granted leave to proceed *pro se*, any motion to the Court must be made by and through Defendant’s attorney. The Clerk’s Office is directed to send a copy of this Order to Defendant via regular mail.

**IT IS SO ORDERED.**

/s/ David P. Rush  
DAVID P. RUSH  
UNITED STATES MAGISTRATE JUDGE

DATE: October 3, 2023